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**From:** Matsumoto, Kimi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38D95BE36605427B8C0CC1A79B24209F-MATSUMO, KIMI]  
**Sent:** 11/19/2019 7:00:35 PM  
**To:** danbelcourt@aol.com; cataragon51@aol.com  
**Subject:** RE: Checking in on tomorrow's meeting

Hi Dan,

Sure, I'll send those over. Our water program lead should be back on Thursday/Friday so I'll touch base back with you later this week/early next.

Take care,

Kimi

**From:** danbelcourt@aol.com <danbelcourt@aol.com>  
**Sent:** Tuesday, November 19, 2019 11:55 AM  
**To:** Matsumoto, Kimi <Matsumoto.Kimi@epa.gov>; cataragon51@aol.com  
**Subject:** Re: Checking in on tomorrow's meeting

Thank you Kimi, the call was very informative and I would appreciate it if you would send the comments and letter to Catherine and I. Thanks again.

Dan

Daniel D. Belcourt Belcourt Law, P.C.  
120 Woodworth Avenue Missoula, Montana 59801  
406-265-0934 phone  
406-926-1041 fax  
[danbelcourt@aol.com](mailto:danbelcourt@aol.com)

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-----Original Message-----

**From:** Matsumoto, Kimi <Matsumoto.Kimi@epa.gov>  
**To:** Daniel Belcourt <[danbelcourt@aol.com](mailto:danbelcourt@aol.com)>; [cataragon51@aol.com](mailto:cataragon51@aol.com) <[cataragon51@aol.com](mailto:cataragon51@aol.com)>  
**Sent:** Tue, Nov 19, 2019 11:52 am  
**Subject:** RE: Checking in on tomorrow's meeting

Hi Dan,

Thank you for joining the call. I hope it provided useful information. If you would like, I can ask our water program to send me the comments we received from Gros Ventre & Assiniboine Tribes on the Dewey Burdock topic during our initial public comment period as well as the letter we recently sent to Tribal Leadership with updated information.

Thanks, Kimi

**From:** [danbelcourt@aol.com](mailto:danbelcourt@aol.com) <[danbelcourt@aol.com](mailto:danbelcourt@aol.com)>  
**Sent:** Tuesday, November 19, 2019 9:39 AM  
**To:** Matsumoto, Kimi <Matsumoto.Kimi@epa.gov>; [cataragon51@aol.com](mailto:cataragon51@aol.com)  
**Subject:** Re: Checking in on tomorrow's meeting

Good morning Kimi, I'll get on the call this morning, however I'm not familiar with the Dewey Burdock proposed uranium mine issue. Thanks

Dan

Daniel D. Belcourt Belcourt Law, P.C.  
120 Woodworth Avenue Missoula, Montana 59801  
406-265-0934 phone  
406-926-1041 fax  
[danbelcourt@aol.com](mailto:danbelcourt@aol.com)

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-----Original Message-----

From: Matsumoto, Kimi <[Matsumoto.Kimi@epa.gov](mailto:Matsumoto.Kimi@epa.gov)>  
To: [cataragon51@aol.com](mailto:cataragon51@aol.com) <[cataragon51@aol.com](mailto:cataragon51@aol.com)>; Daniel Belcourt <[danbelcourt@aol.com](mailto:danbelcourt@aol.com)>  
Sent: Mon, Nov 18, 2019 2:29 pm  
Subject: FW: Checking in on tomorrow's meeting



Hi Catherine and Dan,

The Gros Ventre & Assiniboine Tribes have been in communication with EPA Region 8 about EPA's proposed actions related to the Dewey Burdock proposed uranium mine. It is one of the agenda items for tomorrow's meeting/call, so just checking to see if you are planning to join us or if not, whether there is another attorney for the Tribe you would like for us to invite.

Thanks, Kimi

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**From:** Matsumoto, Kimi  
**Sent:** Thursday, November 14, 2019 11:47 AM  
**To:** [sazure@fortpecktribes.net](mailto:sazure@fortpecktribes.net); [dgray@blackfeetnation.com](mailto:dgray@blackfeetnation.com); [kurt.spilker@crst-nsn.gov](mailto:kurt.spilker@crst-nsn.gov); [jwhiteing@whiteinglaw.com](mailto:jwhiteing@whiteinglaw.com); [kurt.spilker@crst-nsn.gov](mailto:kurt.spilker@crst-nsn.gov); [leannmontes@hotmail.com](mailto:leannmontes@hotmail.com); Daniel Belcourt <[danbelcourt@aol.com](mailto:danbelcourt@aol.com)>; [john.harrison@cskt.org](mailto:john.harrison@cskt.org); [stu.levit@cskt.org](mailto:stu.levit@cskt.org); [ssandvenlaw@aol.com](mailto:ssandvenlaw@aol.com); Dennis Bear Dont Walk <[Dennis.BearDontWalk@crow-nsn.gov](mailto:Dennis.BearDontWalk@crow-nsn.gov)>; Seth Pearman <[seth.pearman@fsst.org](mailto:seth.pearman@fsst.org)>; [cataragon51@aol.com](mailto:cataragon51@aol.com); Daniel Belcourt <[danbelcourt@aol.com](mailto:danbelcourt@aol.com)>; [adamskilaw@mncomm.com](mailto:adamskilaw@mncomm.com); Brian Chestnut <[bchestnut@ziontzchestnut.com](mailto:bchestnut@ziontzchestnut.com)>; [wgolding@ziontzchestnut.com](mailto:wgolding@ziontzchestnut.com); [dkillsback77@gmail.com](mailto:dkillsback77@gmail.com); [mark@echohawk.com](mailto:mark@echohawk.com); [jbeareagle.ost@gmail.com](mailto:jbeareagle.ost@gmail.com); Russel D. Zephier <[Rdzephier@hotmail.com](mailto:Rdzephier@hotmail.com)>; [lisac@oglala.org](mailto:lisac@oglala.org); [eric.antoine@rst-nsn.gov](mailto:eric.antoine@rst-nsn.gov); [lhall@southernute-nsn.gov](mailto:lhall@southernute-nsn.gov); J Begay <[jbegay@southernute-nsn.gov](mailto:jbegay@southernute-nsn.gov)>; [smaynes@mbssllp.com](mailto:smaynes@mbssllp.com); [ddepountis@standingrock.org](mailto:ddepountis@standingrock.org); Leland Begay <[lelandbegay@utemountain.org](mailto:lelandbegay@utemountain.org)>; [cdogeagle@mhanation.com](mailto:cdogeagle@mhanation.com); Peter Ortego <[portego@utemountain.org](mailto:portego@utemountain.org)>;

[Alysia.lacounte@gmail.com](mailto:Alysia.lacounte@gmail.com); [Alysia.lacounte@tmbci.org](mailto:Alysia.lacounte@tmbci.org); [Jeremy Patterson <JPatterson@ndnlaw.com>](mailto:Jeremy.Patterson@ndnlaw.com); [atcitysr@aol.com](mailto:atcitysr@aol.com); [trealbird@ndnlaw.com](mailto:trealbird@ndnlaw.com); [gstrommer@hobbsstrauss.com](mailto:gstrommer@hobbsstrauss.com); [ssandvenlaw@aol.com](mailto:ssandvenlaw@aol.com); [mark@echohawk.com](mailto:mark@echohawk.com); [jfredericks@jf3law.com](mailto:jfredericks@jf3law.com); [heatherw@narf.org](mailto:heatherw@narf.org)

**Cc:** Schefski, Kenneth <[Schefski.Kenneth@epa.gov](mailto:Schefski.Kenneth@epa.gov)>; Sutin, Elyana <[Sutin.Elyana@epa.gov](mailto:Sutin.Elyana@epa.gov)>; Joffe, Brian <[Joffe.Brian@epa.gov](mailto:Joffe.Brian@epa.gov)>; Swanson, Amy <[Swanson.Amy@epa.gov](mailto:Swanson.Amy@epa.gov)>; Volk, Everett <[volk.everett@epa.gov](mailto:volk.everett@epa.gov)>; Perkins, Erin <[Perkins.Erin@epa.gov](mailto:Perkins.Erin@epa.gov)>; Denawa, Mai <[Denawa.Mai@epa.gov](mailto:Denawa.Mai@epa.gov)>; Logan, Paul <[Logan.Paul@epa.gov](mailto:Logan.Paul@epa.gov)>; Piggott, Amelia <[Piggott.Amelia@epa.gov](mailto:Piggott.Amelia@epa.gov)>; Dean, Abigail <[Dean.Abigail@epa.gov](mailto:Dean.Abigail@epa.gov)>; Agee, Erin <[Agee.Erin@epa.gov](mailto:Agee.Erin@epa.gov)>; Castelli, Matthew <[castelli.matthew@epa.gov](mailto:castelli.matthew@epa.gov)>; Livingston, Peggy <[Livingston.Peggy@epa.gov](mailto:Livingston.Peggy@epa.gov)>; Muller, Sheldon <[Muller.Sheldon@epa.gov](mailto:Muller.Sheldon@epa.gov)>; Eads, Andrew <[eads.andrew@epa.gov](mailto:eads.andrew@epa.gov)>; Chin, Lucita <[Chin.Lucita@epa.gov](mailto:Chin.Lucita@epa.gov)>; Clay, Lisa H CIV USARMY CESPK (US <[Lisa.H.Clay@usace.army.mil](mailto:Lisa.H.Clay@usace.army.mil)>; Kuehl, Kallie D SPA <[Kallie.D.Kuehl@usace.army.mil](mailto:Kallie.D.Kuehl@usace.army.mil)>; Summer, M L (LeeAnn) CIV USARMY CESPA (US <[LeeAnn.Summer@usace.army.mil](mailto:LeeAnn.Summer@usace.army.mil)>

**Subject:** Reminder - EPA Region 8/Corps/Tribal Attorneys Meeting on Tuesday, Nov. 19

**Importance:** High

Good afternoon,

We are looking forward to talking with you next week!

As you can see below, we have a full agenda for the 90-minute discussion.

I've added an attendees list for the EPA Region 8 and Corps attorneys.

**Please RSVP to me so we have a sense of which Tribes will be represented by their attorney(s) for the call.**

I'm also attaching a flier for an EPA drinking water utilities webinar that is being offered next week.

Thank you,

Kimi

Kimi Matsumoto

Senior Assistant Regional Counsel

Legal Counseling & FOIA Branch

U.S. EPA Region 8 Office of Regional Counsel

1595 Wynkoop Street

Denver, CO 80202

303.312.6875

## **EPA Region 8, Army Corps of Engineers and Tribal Attorneys Meeting**

**November 19, 2019**

### **AGENDA**

#### **Logistics**

Date: Tuesday, Nov. 19, 2019

Time: 10:00 am – 11:30 am, Mountain Time

Call in number: +1 **Ex. 6 Personal Privacy (PP)**

#### **Attendees**

EPA Region 8 Office of Regional Counsel Attorneys

- KC Schefski, Regional Counsel
- Elyana Sutin, Deputy Regional Counsel
- Brian Joffe, Associate Regional Counsel
- Amy Swanson, Section Chief, Regulatory Enforcement
- Staff Attorneys: Erin Agee, Matt Castelli, Lucita Chin, Abigail Dean, Mai Denawa, Peggy Livingston, Paul Logan, Kimi Matsumoto, Sheldon Muller, Erin Perkins, Amelia Piggott, Everett Volk

Army Corps of Engineer Attorneys

- Kallie Kuehl – Albuquerque District (CO, UT)
- Lisa Clay – Sacramento District (CO, UT, WY)
- TBD – Omaha District (CO, MT, ND, SD, WY)

(Others may join as schedules permit)

## Tribal Attorneys

### Discussion

- Welcome and Introductions (EPA) - 10 min
- EPA Region 8 ORC Reorganization (EPA) - 10 min
- Legal Matters/Topics of General Interest from Tribal attorneys (Tribal attorneys) – 20 min
- Clean Water Act/Water Resources – Recent Developments (EPA CWA attorneys and Corps attorneys) – 40 min
  - CWA Waters of the United States
    - Link to EPA WOTUS website: <https://www.epa.gov/wotus-rule>
    - Oct. 22, 2019 Final Rule – Recodification of Pre-Existing Rules (Repeal of 2015 Rule)
    - Link to Repeal of 2015 Rule website: <https://www.epa.gov/wotus-rule/step-one-repeal>
    - Link to Oct. 22, 2019 Final Rule: <https://www.govinfo.gov/content/pkg/FR-2019-10-22/pdf/2019-20550.pdf>
    - Feb. 14, 2019 Proposed Rule – Revised Definition of “Waters of the United States”
    - Link to Revised Definition of WOTUS website: <https://www.epa.gov/wotus-rule/step-two-revise>
    - Link to Feb. 14, 2019 Proposed Rule: <https://www.federalregister.gov/documents/2019/02/14/2019-00791/revised-definition-of-waters-of-the-united-states>
  - CWA 401 certifications
    - August 22, 2019 Proposed Rule – Updating Regulations on Water Quality Certification: **Comments due Oct. 21, 2019**  
<https://www.epa.gov/cwa-401/proposed-rule-updating-regulations-water-quality-certification-0>
    - June 7, 2019 CWA Section 401 Guidance for Federal Agencies, States and Authorized Tribes  
[https://www.epa.gov/sites/production/files/2019-06/documents/cwa\\_section\\_401\\_guidance.pdf](https://www.epa.gov/sites/production/files/2019-06/documents/cwa_section_401_guidance.pdf)
  - EPA Interpretative Statement on Application of the Clean Water Act National Pollutant Discharge Elimination System Program to Releases of Pollutants From a Point Source to Groundwater, April 23, 2019  
<https://www.govinfo.gov/content/pkg/FR-2019-04-23/pdf/2019-08063.pdf>
  - CWA TAS – update
  - CWA June 3, 2019 Policy for EPA Review and Action on CWA Program Submittals
    - Link to Policy: [https://www.epa.gov/sites/production/files/2019-06/documents/policy\\_for\\_the\\_epas\\_review\\_and\\_action\\_on\\_cwa\\_program\\_submittals\\_0.pdf](https://www.epa.gov/sites/production/files/2019-06/documents/policy_for_the_epas_review_and_action_on_cwa_program_submittals_0.pdf)
  - CWA EPA May 2019 Draft Study of Oil and Gas Extraction Wastewater Management Under the Clean Water Act  
[https://www.epa.gov/sites/production/files/2019-05/documents/oil-and-gas-study\\_draft\\_05-2019.pdf](https://www.epa.gov/sites/production/files/2019-05/documents/oil-and-gas-study_draft_05-2019.pdf)
  - Water Reuse Action Plan
    - Link to Federal Register Notice - Draft National Water Reuse Action Plan: **Comments due Dec. 16, 2019**  
<https://www.federalregister.gov/documents/2019/09/16/2019-19984/draft-national-water-reuse-action-plan>
  - Safe Drinking Water Act (SDWA) Underground Injection Control (UIC) Program – Draft UIC permits for the Dewey Burdock uranium in-situ recovery project: **Comments due Dec. 9, 2019**  
<https://www.epa.gov/uic/epa-dewey-burdock-class-iii-and-class-v-injection-well-draft-area-permits-2019>
- Next EPA/Region 8 Tribal Attorneys In-Person Meeting in Conjunction with Spring RTOC and Tribal Leaders meeting at EPA Region 8 (EPA) – 10 min.
- Interest and potential agenda topics